

From: Zimmerman, Martin [mailto:mzimmerman@ceo.lacounty.gov]
Sent: Monday, January 24, 2011 3:49 PM
To: Finger, Theresa
Cc: Cheng, Frank; Guerrero, Robin; Green, Lawrence; Kathleen Connors; Sandt, Ellen
Subject: FW: Comments on Draft Regulations for Trustworthy Electronic Document or Record Preservation
Importance: High

Dear Ms. Finger,

On behalf of the County of Los Angeles (County), we submit the following comments on the proposed regulations adding Sections 22620.1 through 22620.8 to the California Code of Regulations that would adopt standards for storage and handling of official documents in electronic format.

1. Local Mandate Impact Determination

The County disagrees with the conclusion of the Secretary of State that “*the proposed regulations do not impose any mandate on local agencies or school agencies*”, as stated on page 6 of the Initial Statement of Reasons dated 11/30/2010. On page 2 of the same document, it states that “*these regulations establish the minimum standards all county government offices, including the Board of Supervisors, County Recorder, County Auditor, County Treasurer, and social service agencies*”, which the County interprets as a mandate on this local agency. Further, the California Constitution, Article XIII B, Section 6 requires that whenever the Legislature or any state agency mandates a new program or higher level of service on local government, the state must provide a subvention of funds to reimburse the associated costs. The establishment of new electronic document storage systems complying with the proposed regulations essentially creates a new program that the County must adopt at potentially increased cost, thus requiring the State to provide funding.

2. Inconsistent Provisions

The proposed Section 22620.4 states that “*all existing electronic document management systems in place prior to six months after the adoption of these proposed regulations should be evaluated to the greatest extent technologically and procedurally possible, and as soon as practicable secure all necessary local and/or state approvals to meet the intent of Government Code section 12168.7*”. However, proposed Section 22620.2 states that “*the provisions of this chapter shall apply to all electronic documents or records created or stored as the official record six months after the effective date of these regulations*”, which mandates the “as soon as practicable” timeframe to a six months period. The County recommends that the proposed Section 22620.2 be modified to include the ability to continue using legacy systems until it is practicable to upgrade the underlying systems.

3. Creation of Electronic Copy Prior to Original Destruction

The proposed Section 22620.7 states that “*before the original copy may be destroyed, at least two (2) separate copies of the official document or record must be created on electronic media*”. It is unclear to us whether this means two separate “instances” of an electronic file will have to be created and stored in different locations (within the same

electronic system or on two separate media), or the proposed language simply means that the electronic file has to be duplicated at least once (for example, be backed up onto another permanent storage system). The County recommends that the proposed Section 22620.7 be modified to clarify the intent.

4. Acceptable Image Format

The proposed Section 22620.8 made reference to Section 5.4.1.4 of the AIIM ARP1-2009 document, which states that “*organization should ensure that all information being scanned, or electronically received is stored in industry accepted format such as JPEG, JBIG, JPEG 2000 or PDF-A*”. Our assumption of the proposed language is that it is acceptable to use other image formats as long as they are widely used and not proprietary (used by only one vendor or a selected few). It does not mean that only the four mentioned formats (JPEG, JBIG, JPEG 2000 or PDF-A) are acceptable under the proposed language. The County recommends that the proposed Section 22620.8 be modified to clarify the intent.

Respectfully submitted,

*Martin K. Zimmerman, Assistant Chief Executive Officer
Quality & Enrichment Programs & Services, Operations Cluster
Chief Executive Office, County of Los Angeles
745 Kenneth Hahn Hall of Administration
Los Angeles, CA 90012
213.974.1326 - Telephone
213.458.6359 - BlackBerry
mzimmerman@ceo.lacounty.gov*